

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERIC QUINN FRANKLIN,

Defendant.

CASE NO. CR11-5335 BHS

ORDER DENYING DEFENDANT'S  
MOTION

This matter comes before the Court on Defendant Eric Franklin's ("Franklin") motion to correct/reconsider judgment or sentence (Dkt. 194).

On August 12, 2014, Franklin filed an appeal of his sentence and judgment. Dkt. 192. On August 22, 2014, Franklin filed the instant motion addressing the merits of his case. Dkt. 194.

Once an appeal is filed, the Court is divested of jurisdiction with a few limited exceptions. *See* Fed. R. Crim. P. 35 & 36. Franklin requests that Court address the merits of his case, which does not fall within the limited exceptions. Therefore, the Court **DENIES** Franklin's motion because it is divested of jurisdiction.

**IT IS SO ORDERED.**

Dated this 28<sup>th</sup> day of August, 2014.



BENJAMIN H. SETTLE  
United States District Judge